

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: Charles Leroy Naylor : Case No. 14-58912  
Cathy Linda Naylor : Chapter 13  
: Judge C KATHRYN PRESTON

**MOTION TO DEEM MORTGAGE CURRENT**

Now comes Frank M. Pees, Chapter 13 Trustee (“Trustee”), and moves this Court for an order deeming Debtors’ mortgage obligation to US Bank Trust c/o BSI Financial Services (“Mortgage Company”) current as of the month in which the final payment was made by the Trustee, specifically, November 2019 (“Final Payment Date”). Support for this motion is set forth below.

**MEMORANDUM**

Debtors filed a case under Chapter 13 of the Bankruptcy Code on December 31, 2014. The plan was confirmed on March 10, 2015. Pursuant to the terms of Debtors’ confirmed Chapter 13 Plan and any filed proofs of claim, any default in the mortgage obligation was to be cured, and regular, post-petition mortgage payments were to be paid to Mortgage Company through the Trustee by “conduit” commencing October 2017.

Debtors have completed all requirements of the confirmed Plan, and Trustee made the final conduit mortgage payment on the Final Payment Date. Debtors have been instructed by the Trustee to make mortgage payments directly to the mortgage company beginning in the month following the Final Payment Date. Therefore, all allowed claims for pre-petition arrearages and all regular, post-petition payments have been paid in full in accordance with the confirmed Chapter 13 Plan.



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Wherefore, Trustee respectfully requests that this Court enter an order:

(a) finding that all pre-petition arrearage claims of Mortgage Company have been paid in full through the Plan;

(b) finding that all regular, post-petition mortgage payments have been made by the Trustee through the Final Payment Date, and that all such “conduit” payments are deemed to have been made on a timely basis;

(c) finding that the mortgage obligation to Mortgage Company is deemed current as of the Final Payment Date; and

(d) directing Mortgage Company to adjust its loan balance to reflect the balance delineated in the original amortization schedule as of the Final Payment Date, and finding that any amounts in excess of that balance, including any alleged arrearages, costs, fees or interest are discharged pursuant to 11 U.S.C. §1328.

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085

(614) 436-6700

trustee@ch13.org



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CERTIFICATE OF SERVICE

I hereby certify that on February 07, 2020, a copy of the foregoing Motion to Deem Mortgage Current and Notice was served on the following registered ECF participants electronically through the court's ECF system at the email address registered with the court:

U.S. Trustee  
Frank M. Pees  
Mark Albert Herder Esq.  
Steven Henry Patterson  
Evan Sean Singer

and on the following by **ordinary U.S. mail** address to:

Charles Leroy Naylor  
Cathy Linda Naylor  
16501 Brushy Fork Road Southeast  
Newark, OH 43056-9668

Steven Henry Patterson  
3962 Red Bank Road  
Cincinnati, OH 45227

Evan Sean Singer  
Timothy D. Padgett, PA  
6267 Old Water Oak Road  
Tallahassee, FL 32312

U.S. Bank Trust National Association  
c/o BSI Financial Services  
1425 Greenway Drive, Ste 400  
Irving, TX 75038

/s/ Frank M. Pees  
Frank M. Pees  
Chapter 13 Trustee



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**NOTICE OF MOTION TO DEEM MORTGAGE CURRENT**

The Chapter 13 Trustee has filed papers with the court asking the court to deem a certain mortgage obligation to be current.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, U.S. Bankruptcy Court, 170 N. High Street, Columbus, OH 43215 OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or 2) regular U.S. Mail to:

Frank M. Pees	United States Trustee
Chapter 13 Trustee	170 N. High Street, #200
130 E. Wilson Bridge Road, #200	Columbus, OH 43215
Worthington, OH 43085	

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

/s/ Frank M. Pees  
Frank M. Pees  
Chapter 13 Trustee  
130 E. Wilson Bridge Rd., #200  
Worthington, OH 43085  
(614) 436-6700  
trustee@ch13.org